

### **REMARKS**

Reconsideration and withdrawal of the Final Office action dated October 7, 2005 is respectfully requested. By this response, claims 1-14, 16 and 18-40 are currently pending in this application. The applicant's representative wishes to thank the Examiner for the thorough office action, including the specific recitation of portions within the applied references with respect to certain claims.<sup>1</sup> Additionally, the applicant's representative wishes to thank Examiner Liu and Examiner Gillis for the telephone interview of January 9, 2006.

#### **Request to Withdraw Finality of Previous Office Action**

As discussed and agreed upon in the above mentioned telephone conference, applicant respectfully requests the finality of the previous Office Action be withdrawn, as the only amendment to claim 16 was subject matter contained in originally filed claim 17, and, therefore, should not have necessitated an additional search.

#### **Rejections Under 35 U.S.C. § 102**

Claims 1-5, 7, 8, 25, 30, 31 and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,603,758 to Schmuelling et al.

Independent claim 1 describes, *inter alia*, a system for enabling a computer user to select one of a plurality of service providers, wherein "the computer user can select, using the client application, a one service provider from a plurality of available service providers..."

Schmuelling is directed to a system that allows cable customers who wish to add a cable modem to a local network to access the Internet to have the opportunity to choose

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<sup>1</sup> Silence regarding a position taken by or argument made by the Examiner does not indicate any acquiescence to that position or argument. Furthermore, arguments made with respect to a particular claim or claims apply only to that claim or claims, and not to other claims, unless specifically noted herein.

both the modem and an Internet Service Provider (ISP) while offline, and then add them to the system. The system connects a customer within a local network to the Internet through a hardware facility that blocks such access to customers that are not registered with an authorized ISP. The hardware then facilitates the registration process by enabling new devices (such as devices newly added to a local network) to gain access to the Internet after users of the devices obtain agreements with ISPs while offline.

The system of Schmuelling, however, does not play a role in the offline agreements made between a customer and a service provider. Instead, they are similar to cases where a home user that chooses an Internet Service Provider for their Internet access among available choices in their area (e.g., users may look in the phone book at pick from a list of ISPs such as Comcast, AOL, Qwest, and so on). Once the user forms an agreement with a selected ISP, the user then notifies the system, which enables access to the selected ISP by correlating the user's modem to the ISP.

For example, hardware in the system of Schmuelling, via CMI 136, sends a list of ISPs (step 212) and facilitates a connection between the user and one ISP selected by the user (step 214). Schmuelling then elaborates on the "facilitates a connection" step as follows:

"The next two steps 216 and 218 are set out with dashed lines to emphasize that they are not separate steps performed by CMI 136, but are instead accomplished between user 130 and administrator 146 of ISP 116 during step 214. User selects an ISP from ISP list (step 216) and completes an Internet-service agreement with the administrator of the selected ISP (step 218)." Column 4, lines 29-36.

In sum, Schmuelling does not disclose a system where a user chooses a service provider from a list of available service providers, but instead disclose a system that allows access to the Internet after the user notifies the system of an offline agreement made with a selected ISP.

The system of Schmuelling, therefore, does not provide a user with the ability to select, using a client application, a one service provider from a plurality of available service providers. The system of Schmuelling merely arranged an Internet connection based on a user's agreement with an ISP for their internet services, and, facilitating users to do so on a user by user basis.

Independent claims 25, 31, and 35 recite similar elements to claim 1, including "upon the user selecting a service provider from the list of service providers and clicking a connect button" (claim 25), "displaying the list of service providers from which the user may choose based on a single user-input action" (claim 31), and "presenting means for presenting a list of service providers available for user registration, receiving means for receiving login information associated with the user and each registered service provider" (claim 35).

Since Schmuelling does not disclose each and every element of the claims, Schmuelling cannot anticipate the claimed technology. For at least these reasons, applicant respectfully requests that the rejection of claims 1, 25, 31 and 35 (and dependent claims 2-5, 7, 8, and 30) be withdrawn.

### **Rejections Under 35 U.S.C. § 103**

Claims 6, 9, 10-14, 16, 18, 19, 20-24, 26, 28, 29, 32-34 and 36-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,603,758 to Schmuelling et al. in view of U.S. Patent No. 6,151,628 to Xu et al., PCT Application No. 00/14919 to Alter and/or U.S. Patent No. 6,430,279 to Bouvier et al.

Independent claims 16 and 21 describe similar elements to the claims discussed in detail above, including "a client application...upon the user choosing the service provider session page, presents the user with a plurality of service providers from which to choose" (claim 16) and "presenting a list of registered service providers to the user" (claim 21).

As discussed above, Schmuelling does not disclose these elements, as the system of Schmuelling does not provide a user, via a client application, with a choice of service providers to use in connecting to a high-speed network.

Likewise, neither Xu, Alter, nor Bouvier disclose a system that provides a choice of internet service provider to a user via a single client application. Furthermore, the Office action does not rely upon Xu, Alter, nor Bouvier to provide such elements, as they are used to disclose other elements of the claims (e.g., Xu is relied upon merely to show a wireless network).

Therefore, for at least these reasons, applicant respectfully contends that independent claims 16 and 21 (and dependent claims 6, 9, 10-14, 18, 19, 20, 22-24, 26, 28, 29, 32-34 and 36-40) are allowable over the cited references, and requests the rejection be withdrawn.

### **Conclusion**

Because the independent claims are patentable over the cited references, the claims from which they depend are equally allowable, and applicant respectfully requests the rejection of these claims be withdrawn at least for the reasons discussed above.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3090.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 364388034US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

By

  
Michael J. Smith

Registration No.: 56,702

PERKINS COIE LLP/CW

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorneys for Applicant